

REMARKS

Claims 1, 5, 6, 7, 8, 10-11, 13 and 15 -20 are pending in this application. Claims 2-4, 9, 12, and 14 have been cancelled by a previous amendment. In the Office Action, claims 1-9 and 11-19 are rejected over prior art. Reconsideration of the rejections is respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicants acknowledge and thank the Examiner for indicating that claims 10 and 20 contain allowable subject matter.

CLAIM REJECTION UNDER 35 U.S.C. §102

Claims 1, 5-8, 11, 13, 15-19 are rejected under 35 U.S.C. § 102(e), as being anticipated by Oom (U.S. 6,738,625). Applicants respectfully traverse this art ground of rejection.

The Examiner alleges that Oom discloses all the features recited in independent claims 1 and 11. Applicants traverse this rejection.

The Examiner alleges the features of claim 1 read on Column 2, line 45 to Column 3, line 27 of Oom. For example, the Examiner contends the node of a second set in claim 1 reads on an automatic radio base station (RBS), and the node of a first set in claim 1 reads on a radio network controller (RNC).

The section cited by the Examiner discloses that a managing/controlling entity receives load measuring reports from RNCs. If there is a first RNC experiencing overcapacity, then a RBS of the first RNC may be rehomed to a second RNC. However, the Summary section cited by the Examiner does not disclose in detail how the RBS is rehomed to the second RNC.

Column 7, lines 45-60 to column 8, line 26 of Oom discloses in detail that overload management agents (OMAs) of radio network controllers (RNC) send CPU load measuring

reports (405) to a network performance management application in a radio network manager (RNM). In addition, the network performance management application in the RNM determines whether or not the wireless network would benefit by a rehome operation. Once the RNM decides that a rehome should take place, the RNM sends a rehome command 415 to the OMA of the RNC. Column 8, lines 17-19.

Claim 1 recites that a node of a first set receives information characterizing usage level of nodes of a second set, uses said information to determine which node of the second set to connect to, and connect with said node of the second set based on said information. Oom discloses that the RNM receives information and the RNM decides which RNC should connect to which RBS.

In other words, Oom discloses that a RNM receives information on a RNC (first node). The RNM further decides which RBS (second node) the RNC (first node) should connect to. Accordingly, Oom discloses that a third node (RNM) is required to receive information, and the third node is required to use the information to determine connection arrangements.

For at least the reasons given above, Applicants submit that claim 1 is not anticipated by the Oom reference. Claim 11, which recites common features of claim 1, is also not anticipated for the same reasons given above with respect to claim 1.

Claims 5-8, 13, 15-19, which are dependent claims to claims 1 and 11, are also patentable for the same reasons given above with respect to the patentability of claims 1 and 11 and for additional limitations recited thereby.

CONCLUSION

In view of the above remarks, reconsideration of the rejections and allowance of claims 1, 5, 6, 7, 8, 10-11, 13, and 15 -20 are pending in this application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below. If the Examiner believes that a personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 668-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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